

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

WILLIAM J. BEBERNISS,)	
)	
Plaintiff,)	8:08CV509
)	
vs.)	ORDER
)	
CASE NEW HOLLAND, INC. and)	
GREG JARECKE,)	
)	
Defendants.)	

This matter is before the court sua sponte and pursuant to [NECivR 41.1](#), which states in pertinent part: "The court may at any time dismiss an action for lack of prosecution when it appears it is not being prosecuted with reasonable diligence." Further, [Fed. R. Civ. P. 4\(m\)](#) establishes a 120-day time limit for service of process on the defendant in a civil case, absent a showing of good cause.

In this case the complaint was filed on November 24, 2008. See [Filing No. 1](#). Accordingly, the deadline for service of process expired **on or about March 24, 2009**. No summonses have been issued in this case and there is no proof of service of process on either of the defendants. Therefore, the plaintiff must make a showing of good cause for the failure of service or the action must be dismissed as against the defendants. Upon consideration,

IT IS ORDERED:

The plaintiff shall show cause why this case should not be dismissed for failure to prosecute. The showing of cause shall be filed electronically on or before the close of business **on April 8, 2009**.

Dated this 26th day of March, 2009.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge